IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal No.353 of 2004
in
Writ Petition No.2964 of 2003

Bechanram Gupta. appellant
vs
State of Mah and ors... ..Respondents

None for appellant
Mr.R.M.Sawant GP for respondents

CORAM: A.P.SHAH & S.J.VAZIFDAR JJ.

Dated 30.3.2005

P.C:

. Appellant and his advocate are absent. Heard the learned Government Pleader Mr Sawant. Perused the record including the order of the learned single Judge.

2. The challenge is to the award dated l7.2.l992 under the Land Acquisition Act. Under this award the State Government has acquired l32 acres of land out of S.No.239 of village Malad, Mumbai. The petitioner is claiming possessory title in respect of 35 acres out of l32 acres of land which was acquired by the State Government. The petitioner is claiming right in respect of this land solely on the basis that he was conducting quarry business in the land. This quarry was stopped by the Collector

in l985 and admittedly no quarry business was carried out thereafter. There is no challenge to the order of the Collector which has attained finality. The petitioner himself has admitted that he has encroached upon the land and he had no title to the land. In these circumstances it is not possible to entertain the challenge to the award after a lapse of more than ll years.

. Appeal is dismissed.